

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY P. KEITH,

Plaintiff,

v.

Civil No. 05-CV-70970-DT

HONORABLE PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

OAKLAND DEPUTIES, et. al.

Defendants,

**OPINION AND ORDER GRANTING THE
MOTION FOR VOLUNTARY DISMISSAL**

Gregory P. Keith, (“plaintiff”), presently confined at the Chippewa Correctional Facility in Kincheloe, Michigan, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff has now filed a motion for voluntary dismissal pursuant to Fed.R.Civ.P 41(a). For the reasons stated below, the motion for voluntary dismissal is granted and the complaint is **DISMISSED WITHOUT PREJUDICE**.

I. DISCUSSION

Fed.R.Civ.P. 41(a) provides that a plaintiff may dismiss an action without order of court by filing a notice of dismissal before service by the adverse party of an answer or motion for summary judgment. *See also Doran v. McGinnis*, 158 F.R.D. 383, 389 (E.D. Mich. 1994). Plaintiff is entitled to a voluntary dismissal of his civil rights complaint, in light of the fact that the defendants have not yet been served in this case, nor have they filed an answer to the complaint or motions to dismiss or for summary judgment. *Id.*

II. ORDER

Based upon the foregoing, the motion for voluntary dismissal is **GRANTED** and the complaint is **DISMISSED WITHOUT PREJUDICE**.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 28, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 28, 2006.

s/Denise Goodine
Case Manager